

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference stapleremove	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2004/001026	International filing date (<i>day/month/year</i>) 3 August 2004	Priority date (<i>day/month/year</i>) 3 August 2004	
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 B25C 11/00, 11/02 B27F 7/17 A61B 17/06			
Applicant PAN, Louis			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 14 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand 3 November 2004	Date of completion of the report 17 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer SARAVANAMUTHU PONNAMPALAM Telephone No. (02) 6283 2070

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001026

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-36	YES
	Claims	NO
Inventive step (IS)	Claims 1-36	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-36	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N) and INVENTIVE STEP (IS)

A. The documents constituting the closest prior art are :

- (i) US 6244489 A
- (ii) GB 2297054 A
- (iii) WO 1998009775 A
- (iv) EP 0122863 A

- B. The subject matter of claims 1, 18, 19, 20, 28, 29, 30, 34, 35 & 36 differs from these prior art documents in that the base member provides support, allowing the leverage operation to be performed on pliable and flexible substrates such as sheets of paper, minimising damage to the substrate.
- C. The distinguishing features of the invention provides a staple removing device that does not require excessive force to operate and minimises damage to the substrate.
- D. Therefore the application satisfies the criteria set forth in PCT Article 33(2-3), concerning novelty and inventive step of the independent claims 1, 18, 19, 20, 28, 29, 30, 34, 35 & 36.
- E. The criteria concerning novelty and inventive step of claims 2-17, 21-27 & 31-33 are satisfied because these claims are dependent on claims 1, 20 & 30 respectively.

INDUSTRIAL APPLICABILITY (IA)

The invention defined in claims 1-36 satisfies the criterion set forth in PCT Article 33(4).

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1 (b))

publication of the international application (under Rule 12.4)

international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished

the description:

 pages 1,2 as originally filed/furnished

 pages* 3 received by this Authority on 3 November 2004 with the letter of 3 November 2004

 pages* 4-7 received by this Authority on 7 February 2005 with the letter of 7 February 2005

 pages* 7a received by this Authority on 17 February 2005 with the letter of 17 February 2005

the claims:

 pages as originally filed/furnished

 pages* as amended (together with any statement) under Article 19

 pages* 8-13 received by this Authority on 3 November 2004 with the letter of 3 November 2004

 pages* received by this Authority on with the letter of

the drawings:

 pages 1-10 as originally filed/furnished

 pages* 11,12 received by this Authority on 3 November 2004 with the letter of 3 November 2004

 pages* received by this Authority on with the letter of

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/figs

the sequence listing (specify):

any table(s) related to the sequence listing (specify):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages

the claims, Nos.

the drawings, sheets/figs

the sequence listing (specify):

any table(s) related to the sequence listing (specify):

* If item 4 applies, some or all of those sheets may be marked "superseded."